

1962-13(2)



Lincoln the Lawyer

From 1837 until he went to Washington early in 1861, Abraham Lincoln was a practicing lawyer. His interest in the law was not undivided because he frequently was absorbed in politics, but he made a good living for his family and became widely recognized as one of the ablest pleaders in Illinois.

Lincoln was 27 years old when he received his law license. For a man who had enjoyed only a few terms in pioneer schools and had worked with his hands throughout his early life, the intellectual accomplishment of successfully studying for a legal career was noteworthy. Four years earlier when he returned from serving as a captain in the Black Hawk War, Lincoln had "thought of learning the black-smith trade—thought of trying to study law—rather thought he could not succeed at that without a better education." It was two years later that he took positive steps toward becoming a lawyer. When he was campaigning for election to the legislature in 1834, he was persuaded to take up the study by Major John T. Stuart, another candidate of the Whig Party. Here is the way Lincoln himself described his law education for a campaign biography written many years later:

"After the election he borrowed books of Stuart, took them home with him, and went at it in good earnest. He studied with nobody. He still mixed in the surveying to pay board and clothing bills. When the Legislature met, the law books were dropped, but were taken up



This artist's impression of Lincoln pleading the celebrated Armstrong case of 1858 is erroneous in showing Lincoln wearing a beard, which he did not start to grow until after his election in 1860. Duff Armstrong and his widowed mother, sentimentally portrayed, are seated at the table, right.

again at the end of the session." It took two years of hard study before he got his license in 1836, and it was April 15, 1837, when he left New Salem to become Stuart's law partner in Springfield. In 1841 he became the partner of Judge Stephen T. Logan, and in 1844 he formed his final partnership with William H. Herndon.

The practice of law in Lincoln's time required a great deal of traveling. Although Springfield was the state capital, the courts there were in session only part of the year. An ambitious lawyer had to spend many days "on the circuit" traveling to other counties for terms of

court. The roads were sometimes bad, and lawyers had to travel in all kinds of weather. But apparently there were many compensations. In discussing a law career with his son Robert many years later, Lincoln said, "If you become a lawyer you will probably make more money at it than I ever did, but you won't have half the fun."

The "fun" consisted of the good fellowship with other lawyers, ample opportunities for trading wit, and the challenge of besting his friendly rivals in open court. Almost certainly the enjoyment also stemmed from the opportunity to indulge in politics at the same time.

Already embarked on a political career before he studied law, Lincoln continued to serve in the legislature until 1841. He was an active campaigner for the Whig presidential candidates in 1840 and 1844, and in 1846 he was elected to the House of Representatives for a two-year term. He did not seek re-election and devoted the next five years almost exclusively to his law practice. In 1854, the repeal of the Missouri Compromise triggered his return to politics, and he began the sequence of speeches and candidacies which led to the White House.

By the 1850s, he had become a prominent lawyer for the railroads. Perhaps his most important case was his defense in a suit testing the right to put a bridge over a navigable body of water. The *Effie Afton*, a Mississippi River

steamer, had run against the pier of the Rock Island Bridge and had been destroyed. Lincoln ably defended the right to build such bridges, and the court's decision removed a serious obstacle to the building of transcontinental railroads.

The *Effie Afton* case was tried in 1857, the year before Lincoln, running for the Senate, participated in the famous series of debates with Stephen A.

Douglas. In 1858, busy as he was with politics and high-level legal work, he still had time to heed a call from out of his past. "Duff"

Armstrong, the son of friends from his New Salem days, was accused of murder, and



This photograph of Lincoln was taken in Chicago during February, 1857, the year of the *Effie Afton* case.

Lincoln offered to help defend him. In this case, often used as the basis for stories and plays about Lincoln, he discredited the prosecution's star witness by proving, with the aid of an almanac, that there was insufficient moonlight for the witness to have seen what he described in great detail. For his efforts, Lincoln would not accept a fee from Duff's widowed mother.

On his last afternoon in Springfield before entraining for Washington and the presidency, Lincoln told his law partner: "Give our clients to understand that the election of a President makes no change in the firm of Lincoln and Herndon. If I live I'm coming back some time, and then we'll go right on practising law as if nothing had ever happened."

ON THE COVER: This statuette of Lincoln "The Circuit Rider" by Fred M. Torrey is located at Lincoln's tomb in Springfield, Illinois.



THE
LINCOLN NATIONAL
LIFE INSURANCE
COMPANY